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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/053,047	11/09/2001	Michael J. Whalen	032167.0001	1649
. 75	590 08/16/2005		EXAM	INER
Kimberly A. Chasteen			CRONIN, STEPHEN K	
Williams Mullen Clark & Dobbins Suite 210			ART UNIT	PAPER NUMBER
One Old Oyster Point Road Newport News, VA 23692			3727	
			DATE MAILED: 08/16/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.  10053,047  Examiner  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address −  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM  THE MAILING DATE of this Communication appears on the cover sheet with the correspondence address −  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM  THE MAILING DATE of THIS COMMUNICATION.  Electronic of time may be available under the somewhist.  If the period for reply specified above is the shall with (S) diver, a very which the state deviated period to reply specified above is the shall with (S) diver, a very which the state deviated period for reply specified above is the shall with (S) diver, a very which the state deviated period for reply specified shore is the shall reply of the shall be reply shall be a shall be communication.  If the period for reply specified shore is the shall reply diverse the shall reply the shall be caused the shall be communication of the shall be communication.  If the period for reply specified shore is the shall reply the shall be caused the shall be communication.  If the period for reply specified shore is the shall reply and the shall be communication.  If the period for reply specified shore is the shall reply diverse the shall reply the shall be caused to shall be communication.  If the period for reply specified shall reply the shall be shall be shall be shall be shall be communication.  If the period for reply specified shall be	. · •			Spo				
Examiner   Art Unit   3727			Application No.	Applicant(s)				
Status    Claim(s)			10/053,047	WHALEN ET AL.				
Previol for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extentions to the many be available under the provisions of 3 CFR 1.136(b). In no event, however, may a reply be timely fited the period for reply specified above, the maximum of 30 CFR 1.136(b). In no event, however, may a reply be timely fited if the period for reply specified above, the maximum statistic priod will authory minimum of bith y(30) days, will be considered timely.  If the period for reply specified above, the maximum statistic priod will authory minimum of bith y(30) days, will be considered timely.  If the period for reply specified above, the maximum statistic priod will authory minimum or bith y(30) days, will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply within the statulory minimum or bith y(30) days will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply within the statulory minimum or bith y(30) days will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply within the statulory minimum or bith y(30) days will be considered timely.  If the period for reply specified above is less than thirty (30) days will be considered timely.  If the period for reply specified to reply will you statulory minimum or thirty (30) days will be considered timely.  If the period for reply specified to the statulory minimum or bith yellow the timely shall be reply to the reply specified timely the days will you will you do the considered timely.  If the period for reply specified to the statulory minimum or thirty (30) days will be considered timely.  If the period for reply specified time the minimum or thirty (30) days will be considered timely.  If the period for reply specified to the specified considered timely.  If the period for reply specified to the specified time the minimum or thirty (30) days or the specified timely		Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - after SIX (9) MONTHS from the mailing date of this communication.  - if the protect or rely specified above, the maximum statutory period will apply and will expire SIX (9) MONTHS from the mailing date of this communication.  - if NO period for rely the specified above, the maximum statutory period will apply and will expire SIX (9) MONTHS from the mailing date of this communication.  - if NO period for rely the specified above, the maximum statutory period will apply and will expire SIX (9) MONTHS from the mailing date of this communication.  - if NO period for rely the specified above, the maximum statutory period will apply and will expire SIX (9) MONTHS from the mailing date of this communication, even if timely field, may reduce any search plants term adjustment. See 37 CFR 1.704(6).  - Status  1) Responsive to communication (s) filled on				•				
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be waitable under the provisions of 37 CPR 1.13(6). In no event, however, may a reply be timely find after SX (6) MONTHS from the mailing date of this communication.  I shall be communicated the communication of the co	Period fo	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
1) Responsive to communication(s) filed on	THE   - External after   - If the   - If NC   - Failu   Any	MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing	within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
2a) This action is FINAL.  2b) This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-19 is/are pending in the application.  4a) Of the above claim(s)	Status							
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#### **DETAILED ACTION**

## **Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "means for attaching the device to a painter wherein the paint roller is perpendicular to the body of the painter" as set forth in claims 1, 6, 7, 10 and 16-19 and the insert for the first and second storage compartments as set forth in claims 16 and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filling date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-7, 12, 13, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Engh 3,351,970.

Engh teaches a vertical paint roller tray made of sheet metal comprising a storage compartment 1, means for retaining the paint roller (notch in wall 6), means for attaching 16, a shoulder strap 17, a support element 13, and an insert 7.

Regarding the claimed limitation of the "paint roller being perpendicular to the user", the examiner considers that the roller cover (R) is perpendicular to the body of the painter and meets the claimed limitation.

Regarding claim 3, the attachment device is considered element 16 which attaches to shoulder belt 17 wrapped around the user.

Regarding claim 4, the attachment device is considered both elements 16 and 17.

### Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claims 8, 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engh 3,351,970 in view of Jaques 4,363,433.

Engh teaches the claimed invention except for the presence of a second storage compartment for holding a paint brush. Jaques teaches a similar body mounted paint container in which a second compartment 30 or 50, is mounted to the main compartment 20 for holding a paint brush. To provide the device of Engh with a second compartment in the manner as taught by Jaques would have been obvious to allow the Engh container to hold a paint brush.

6. Claims 10, 11, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engh 3,351,970 in view of Jaques 4,363,433 as applied to claims 8, 9, 14 and 15 above, and further in view of Butschat 6,283,345.

Butschat teaches providing a clip/insert 40 to a compartment 30 for securely retaining a paint brush within the compartment. To provide the second compartment of Engh as modified by Jaques with this clip/insert would have been obvious to more securely retain a paint brush.

### Response to Arguments

7. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen K. Cronin whose telephone number is 571-272-4536. The examiner can normally be reached on M-F 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen K. Cronin Primary Examiner Art Unit 3727 Page 5

skc